



500024-A-01-US (Browne)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): N.A. Browne et al.  
Case: 500024-A-01-US (Browne)  
Serial No.: 10/072,063  
Filing Date: February 6, 2002  
Group: 2642  
Examiner: Hector A. Agdeppa

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: [Signature] Date: November 8, 2005

Title: Call Processing with Statistical Weighting of Scripts in a Communication System Switch

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Appeal Brief; and
- (2) Copy of Notice of Appeal, filed on September 6, 2005, with copy of stamped return postcard indicating receipt of Notice by PTO on September 8, 2005.

There is an additional fee of \$500 due in conjunction with this submission under 37 CFR §1.17(c). Please charge **Avaya Inc. Deposit Account No. 50-1602** the amount of \$500, to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-1602** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

[Signature: Joseph B. Ryan]

Date: November 8, 2005

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Signature: V. Benavente Date: November 8, 2005

Title: Call Processing with Statistical Weighting of  
Scripts in a Communication System Switch

APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal the final rejection dated June 3, 2005 of claims 1-12 of the above-identified application.

REAL PARTY IN INTEREST

The present application is currently assigned to Avaya Inc. or a subsidiary thereof. Avaya Inc. is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences.

### STATUS OF CLAIMS

The present application was filed on February 6, 2002, with claims 1-12. Claims 1-12 are currently pending in the application. Claims 1, 11 and 12 are the independent claims.

Each of claims 1-12 stands rejected under 35 U.S.C. §102(e) or §103(a). Claims 1-12 are appealed.

### STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

### SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method of processing communications in a communication system switch. The method includes the steps of assigning weightings to a set of processing scripts, the processing scripts specifying operations to be performed in processing the communications in the switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith, and selecting a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings. The claim further specifies that the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

Independent claim 11 is directed to a communication system switch comprising a memory and a processor coupled to the memory. The memory stores weightings assigned to a set of processing scripts, with the processing scripts specifying operations to be performed in processing the communications in the switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith. The processor is operative to select a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings. As in claim 1, the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

Independent claim 12 is directed to an article of manufacture comprising a machine-readable storage medium storing one or more programs for use in processing communications in a

communication system switch, wherein the one or more programs when executed implement assigning and selecting steps similar to those of claim 1.

An illustrative embodiment of a communication system switch of the type set forth in the claims is shown as element 102 in system 100 of FIG. 1. The switch 102 serves a premises 104 having a number of terminals 106-1, 106-2, . . . 106-N corresponding to respective extensions Ext1, Ext2, . . . ExtN. In a call center application of the system 100, the terminals 106-1, 106-2, . . . 106-N may be agent workstations. As shown in greater detail in FIG. 2, the switch 102 comprises, among other elements, processor 200 and memory 202. The processor 200 operating in conjunction with the memory 202 executes one or more software programs for providing statistical weighting of call processing scripts within the switch 102. See the specification at, for example, page 5, lines 20-23, and page 6, lines 6-9.

Conventional usage of call processing scripts is described in the specification at, for example, page 1, lines 26-31, as follows:

The implementation of call vectoring in a given communication system switch generally involves the use of a processing script, also referred to as a vector. Such a script may comprise a software program or suitable portion thereof having program instructions for directing the switch to apply particular processing operations to a given call when the script is invoked. In the call center context, the script may direct that a given call be queued to a certain agent, that particular announcements be played, and so on.

Unfortunately, such conventional usage is problematic, as outlined in the specification at, for example, page 2, lines 1-6:

There are a number of significant problems with the conventional script processing approach in a communication system switch. One such problem is that the switch typically applies the same or a similar script to all incoming calls of a particular type or in a given processing application. This is inefficient in that it unduly limits the flexibility of the system in processing calls, increases script complexity, and requires that valuable switch processor cycles be expended for executing the script for every call.

The present invention in the illustrative embodiments overcomes this significant problem of the prior art by providing the above-noted statistical weighting of call processing scripts. See the specification at, for example, page 2, lines 9-10, and page 5, lines 20-23.

An example of the manner in which processing scripts can be weighted using the techniques of the invention can be seen in FIG. 4. This figure shows three processing scripts, denoted Script A, Script B and Script C, and also referred to as Vector 20, Vector 21 and Vector 22, respectively. A set of calls 400 including Call #1, Call #2, Call #3, etc. are processed using Scripts A, B and C in a manner which provides a statistical weighting of the scripts. One such weighting provides a substantially equal distribution of the incoming calls among the scripts. A weighting of this type is described at page 10, lines 1-28, of the specification. By adjusting the weightings assigned to the various scripts, one can alter the fraction of calls processed by each script. Other weightings of this type are described at page 11, line 1, to page 12, line 21.

It is apparent that providing such weighting of individual processing scripts advantageously overcomes the problems associated with convention usage of call processing scripts. For example, it provides improved switch processing efficiency and flexibility, while also reducing script complexity and facilitating load balancing across distributed switch processing elements. See the specification at, for example, page 3, lines 4-7, page 9, lines 11-17, page 14, lines 1-12, and page 14, line 27, to page 15, line 11.

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 2, 7-9, 11 and 12 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,751,310 (hereinafter "Crossley").
2. Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Crossley in view of U.S. Patent No. 5,740,233 (hereinafter "Cave").
3. Claims 4-6 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Crossley in view of U.S. Patent No. 5,740,238 (hereinafter "Flockhart").

## ARGUMENT

### 1. §102(e) Rejection of Claims 1, 2, 7-9, 11 and 12

#### Claims 1, 11 and 12

The Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The present invention as set forth in the independent claims is generally directed to arrangements involving the assignment of weightings to a set of processing scripts, the processing scripts specifying operations to be performed in processing communications in a switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith, and the selection of a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings. The claims further specify that the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

Thus, in the claimed invention, weightings are assigned to processing scripts, and particular ones of the scripts are selected for application to communications based on the assigned weightings, such that desired script usage is achieved over multiple communications. It is also important to note that a particular selected processing script in the claimed invention is applied to a given communication.

As will be described below, the Crossley reference fails to teach or suggest such an arrangement.

The Examiner in formulating the §102(e) rejection argues that either the “call campaigns” or the “system scripts” described in Crossley read on the claimed processing scripts. See the final Office Action at page 2, section 2. Applicants respectfully disagree with this statement.

Applicants will initially address the call campaigns. The call campaigns in Crossley are not processing scripts, and are explicitly described therein as being distinct from such scripts. For example, Crossley at column 4, lines 50-63, states as follows, with emphasis supplied:

The supervisor/customer establishes both inbound and outbound call campaigns in response to menu-driven prompts provided by the graphical supervisor/customer interface 46. System scripts are generated through a layered approach to define system behavior to the extent necessary for the desired call campaign. The highest layer interface is simply a form to be filled in by the supervisor/customer based on a specific call campaign application, for example, an outbound dialing call campaign versus an inbound call campaign. If a more complex set of criteria is necessary or desired, the supervisor/customer may be presented with a lower layer comprising more complicated forms to allow the supervisor/customer to better define the behavior of the telephony platform 10.

Thus, a script may be used as part of a campaign, but the campaign itself in Crossley is not a script. This is further apparent from, for example, column 3, line 59, to column 4, line 2, of Crossley, which provides as follows, with emphasis supplied:

Telephony resource server 12 comprises various functions, discussed below in greater detail in conjunction with FIG. 2, which interact with the other components of the telephony platform 10 to perform the active call campaigns.

For outgoing call campaigns initiated by the supervisor/customer, telephony resource server 12 obtains a group of call records from a database 21 within a host system 20 via signal path 30. The telephony resource server 12 processes the call records as directed by preselected system scripts and sends a request to digital communication server 14 to dial a telephone number contained within the call record.

Additional description in Crossley differentiating call campaigns from processing scripts can be found in, for example, column 5, lines 4-13, which provides as follows, again with emphasis supplied:

In addition to system scripts, the supervisor/customer generates other campaign parameters for each call campaign, such as how the telephony resource server 12 should respond in the event of a busy dial tone, a no answer dial tone, etc. Further, agent and trunk parameters are defined by the supervisor/customer, discussed below in greater detail, as well as how the system should process the particular call campaigns. Once the call campaigns have been defined, the supervisor/customer notifies the telephony resource server 12 over signal path 30 that the particular call campaign is ready to start.

It is therefore apparent that a given one of the campaigns referred to in Crossley is not a processing script as claimed. Moreover, as indicated above, the claims indicate that a particular selected processing script is for application to a given communication. It cannot be said that any campaign in Crossley is selected for application to a given communication as claimed. Instead, each of the call campaigns apparently involves multiple communications. See Crossley at, for example, column 5, lines 16-20.

As to the “system scripts” of Crossley allegedly reading on the processing scripts of the claimed invention, Applicants note that Crossley fails to teach or suggest the assignment of weights to particular scripts in a set of system scripts, or the selection of particular scripts for application to communications based on the assigned weightings.

The Examiner further argues that the “pacing ratios” referred to in column 2, lines 47-52, of Crossley correspond to the claimed assigned weightings. However, the pacing ratios in Crossley are clearly applied to call campaigns, and not to individual ones of a set of processing scripts which may be selected for application to a given communication as claimed.

Applicants further note that there is no mechanism in Crossley for assigning weightings to processing scripts, with each of at least a subset of the processing scripts having an associated weighting, so as to provide a desired usage for at least a portion of each of the processing scripts over a given number of communications. As noted above, Crossley teaches that pacing ratios are assigned to call campaigns. There is no assignment of a weighting to any particular processing script of a given campaign in Crossley. Instead, the above-quoted portions of Crossley expressly indicate that a given call campaign comprises not only “preselected system scripts” but also



additional information. Neither the call campaigns nor the system scripts of Crossley read on the processing scripts of the claimed invention.

Accordingly, it is believed that Crossley fails to anticipate each and every limitation of independent claims 1, 11 and 12. Moreover, by failing to teach weighting of processing scripts, Crossley teaches directly away from the present invention as set forth in the independent claims, and fails to provide the associated advantages including those outlined in the specification at page 3, lines 4-7, page 9, lines 11-17, page 14, lines 1-12, and page 14, line 27, to page 15, line 11.

Dependent claims 2 and 7-9 are believed allowable for at least the reasons identified above with regard to independent claim 1, and are also believed to define separately-patentable subject matter as outlined below.

#### Claim 2

Dependent claim 2 further specifies that the assigned weightings comprise a set of equal weightings for each of the processing scripts in the set of processing scripts. The Examiner relies on the teachings in Crossley at column 10, lines 28-48. However, the relied-upon teachings do not meet the limitation in question. The Examiner characterizes these teachings as assigning an equal percentage weighting of 10% to each of three call campaigns A, B and C. However, the percentage of calls assigned to each campaign is 10% “plus a percentage of what is left (the remaining 70%) based on the sales percentages” (See Crossley at column 10, lines 28-33). Thus, equal weighting is not provided, and the claim is not anticipated.

#### Claim 7

Dependent claim 7 further specifies that the assigned weightings comprise a percentage value for each of at least a subset of the processing scripts in the set of processing scripts, the percentage value specifying a desired percentage usage of its corresponding processing script. The Examiner again relies on the teachings in Crossley at column 10, lines 28-48. However, the claim in question recites that a given percentage specifies a desired percentage usage of a particular processing script. In the teachings from Crossley, the percentages apparently specify the percentage of calls assigned to a call campaign, which fails to meet the limitation in question. Accordingly, it is believed that claim 7 is not anticipated by Crossley.

### Claim 8

Dependent claim 8 further specifies that the assigned weightings comprise a frequency value for each of at least a subset of the processing scripts in the set of processing scripts, the frequency value specifying a desired frequency of utilization for its corresponding processing script. The Examiner yet again relies on the teachings in Crossley at column 10, lines 28-48. However, the claim in question recites that a given frequency value specifies a desired frequency of utilization for a particular processing script. In the teachings from Crossley, the percentages apparently specify the percentage of calls assigned to a call campaign, which fails to meet the limitation in question. Accordingly, it is believed that claim 8 is not anticipated by Crossley.

### Claim 9

Dependent claim 9 further specifies that one or more of the processing scripts each comprise multiple lines of code, and further wherein an assigned weighting for a given one of the processing scripts comprises a weighting for at least a particular one of the multiple lines of code. The Examiner argues that the call campaigns of Crossley “are inherently lines of code.” However, even if one assumes that this characterization of the call campaigns of Crossley is correct, it fails to address the limitation at issue. The limitation calls for assigning a weighting to one or more lines of code of a processing script, and Crossley does not assign weights in this manner.

## 2. §103(a) Rejection of Claim 3

Dependent claim 3 is believed allowable for at least the reasons identified above with regard to independent claim 1 and dependent claim 2, and is also believed to define separately-patentable subject matter. Claim 3 further specifies that the selecting step comprises selecting the particular one of the processing scripts from among the equally-weighted processing scripts in accordance with a round-robin selection process.

A proper *prima facie* case of obviousness requires that the cited references when combined must “teach or suggest all the claim limitations,” and that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. See Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §706.02(j).

Applicants submits that the Examiner has failed to establish a proper *prima facie* case of obviousness in the present §103(a) rejection of claim 3, in that the Crossley and Cave references, even if assumed to be combinable, fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining the references or for modifying the reference teachings to reach the claimed invention. Further, even if it is assumed that a proper *prima facie* case has been established, there are particular teachings in one or more of the references which controvert the obviousness argument put forth by the Examiner.

Crossley apparently teaches to configure call campaigns such that each campaign is assigned a certain percentage of a given set of calls. Crossley further teaches that the call campaigns are comprised of multiple call processing scripts, but fails to assign weightings to the scripts or to select a particular script for application to a given call based on the assigned weightings. The Cave reference fails to remedy these fundamental deficiencies of Crossley as applied to claim 3. The collective teachings of Crossley and Cave thus fail to teach or suggest the use of round-robin selection to select a particular one of the processing scripts, for application to a given communication, from among equally-weighted processing scripts. Moreover, Crossley is believed to teach directly away from the claimed invention. Accordingly, it is believed that the Examiner has simply applied hindsight-based reasoning, given the disclosure provided by Applicants, in an attempt to identify elements of the claimed invention in disparate references.

### 3. §103(a) Rejection of claims 4-6 and 10

#### Claim 4

Dependent claim 4 is believed allowable for at least the reasons identified above with regard to independent claim 1, and is also believed to define separately-patentable subject matter. Claim 4 further specifies that the assigned weightings comprise an integer value for each of the processing scripts in the set of processing scripts.

As noted above, Crossley fails to assign weightings to processing scripts or to select a particular script for application to a given call based on the assigned weightings. The Flockhart reference fails to remedy these fundamental deficiencies of Crossley as applied to claim 4. Moreover, Crossley actually teaches away from assignment of any particular value, integer or

otherwise, to an individual processing script. Accordingly, claim 4 is believed to be patentable over the proposed combination of Crossley and Flockhart.

#### Claim 5

Dependent claim 5 is believed allowable for at least the reasons identified above with regard to independent claim 1 and dependent claim 4, and is also believed to define separately-patentable subject matter. Claim 5 further specifies that the same integer value is assigned to each of the processing scripts in the set of processing scripts, the assigned weightings thereby providing a substantially equal usage of each of the processing scripts over the given number of the communications.

As noted above, Crossley fails to assign weightings to processing scripts or to select a particular script for application to a given call based on the assigned weightings. The Flockhart reference fails to remedy these fundamental deficiencies of Crossley as applied to claim 5. Moreover, Crossley actually teaches away from assignment of any particular value, integer or otherwise, to an individual processing script. Accordingly, claim 5 is believed to be patentable over the proposed combination of Crossley and Flockhart.

#### Claim 6

Dependent claim 6 is believed allowable for at least the reasons identified above with regard to independent claim 1 and dependent claim 4, and is also believed to define separately-patentable subject matter. Claim 6 further specifies that different integer values are assigned to different ones of the processing scripts in the set of processing scripts, the assigned weightings thereby providing different usages for the different ones of the processing scripts over the given number of the communications.

As noted above, Crossley fails to assign weightings to processing scripts or to select a particular script for application to a given call based on the assigned weightings. The Flockhart reference fails to remedy these fundamental deficiencies of Crossley as applied to claim 6. Moreover, Crossley actually teaches away from assignment of any particular value, integer or otherwise, to an individual processing script. Accordingly, claim 6 is believed to be patentable over the proposed combination of Crossley and Flockhart.

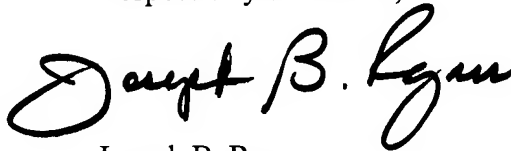
Claim 10

Dependent claim 10 is believed allowable for at least the reasons identified above with regard to independent claim 1, and is also believed to define separately-patentable subject matter. Claim 10 further specifies that the communication system switch comprises a distributed switch having multiple processing elements associated therewith, with the assigned weightings providing a desired distribution of communication processing operations across the multiple processing elements.

As noted above, Crossley fails to assign weightings to processing scripts or to select a particular script for application to a given call based on the assigned weightings. The Flockhart reference fails to remedy these fundamental deficiencies of Crossley as applied to claim 10. Moreover, Crossley actually teaches away from assignment of any particular value, integer or otherwise, to an individual processing script. To the extent Flockhart is concerned with distributing communication processing operations across multiple processing elements, it does not do so via assignment of weightings to processing scripts, or by selection of a processing script for application to a communication based on the assigned weightings. Accordingly, claim 10 is believed to be patentable over the proposed combination of Crossley and Flockhart.

In view of the above, Applicants believe that claims 1-12 are in condition for allowance, and respectfully request the withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Ryan". The signature is stylized with a large, looped initial "J" and a cursive "Ryan".

Date: November 8, 2005

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## CLAIMS APPENDIX

1. A method of processing communications in a communication system switch, the method comprising the steps of:

· assigning weightings to a set of processing scripts, the processing scripts specifying operations to be performed in processing the communications in the switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith; and

selecting a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings;

wherein the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

2. The method of claim 1 wherein the assigned weightings comprise a set of equal weightings for each of the processing scripts in the set of processing scripts.

3. The method of claim 2 wherein the selecting step comprises selecting the particular one of the processing scripts from among the equally-weighted processing scripts in accordance with a round-robin selection process.

4. The method of claim 1 wherein the assigned weightings comprise an integer value for each of the processing scripts in the set of processing scripts.

5. The method of claim 4 wherein the same integer value is assigned to each of the processing scripts in the set of processing scripts, the assigned weightings thereby providing a substantially equal usage of each of the processing scripts over the given number of the communications.

6. The method of claim 4 wherein different integer values are assigned to different ones of the processing scripts in the set of processing scripts, the assigned weightings thereby providing different usages for the different ones of the processing scripts over the given number of the communications.

7. The method of claim 1 wherein the assigned weightings comprise a percentage value for each of at least a subset of the processing scripts in the set of processing scripts, the percentage value specifying a desired percentage usage of its corresponding processing script.

8. The method of claim 1 wherein the assigned weightings comprise a frequency value for each of at least a subset of the processing scripts in the set of processing scripts, the frequency value specifying a desired frequency of utilization for its corresponding processing script.

9. The method of claim 1 wherein one or more of the processing scripts each comprise multiple lines of code, and further wherein an assigned weighting for a given one of the processing scripts comprises a weighting for at least a particular one of the multiple lines of code.

10. The method of claim 1 wherein the communication system switch comprises a distributed switch having multiple processing elements associated therewith, the assigned weightings providing a desired distribution of communication processing operations across the multiple processing elements.

11. A communication system switch for processing communications, the switch comprising:  
a memory for storing weightings assigned to a set of processing scripts, the processing scripts specifying operations to be performed in processing the communications in the switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith; and

a processor coupled to the memory, the processor being operative to select a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings;

wherein the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

12. An article of manufacture comprising a machine-readable storage medium storing one or more programs for use in processing communications in a communication system switch, wherein the one or more programs when executed implement the steps of:

assigning weightings to a set of processing scripts, the processing scripts specifying operations to be performed in processing the communications in the switch, such that each of at least a subset of the scripts in the set of processing scripts has a weighting associated therewith; and



selecting a particular one of the processing scripts for application to a given one of the communications in accordance with the assigned weightings;

wherein the assigned weightings are configured to provide a desired usage for at least a portion of each of the processing scripts over a given number of the communications.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None



PTO/SB/31 (04-05)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

500024-A-01-US (Browne)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on September 6, 2005

Signature

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name

S. Permalla

In re Application of  
N.A. Browne et al.

Application Number  
10/072,063

Filed  
February 6, 2002

For Call Processing with Statistical Weighting of Scripts in a  
Communication System Switch

Art Unit

2642

Examiner

Hector A. Agdeppa

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1602. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number 37,922
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Signature

Joseph B. Ryan  
Typed or printed name

516-759-7517  
Telephone number

September 6, 2005  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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